

9000 PUBLIC BIDS

9001 Definitions

9001.1 “Publicly advertise or invite” means, for the purposes of 16 VSA §559(a), to seek bids on goods or services through written communication mailed, personally delivered, published in a newspaper of general circulation or printed in a newsletter or trade publication. The written communication need not contain all the bid specifications but may generally describe the item to be bid upon and provide information on how further uniform written specifications may be obtained.

9001.2 “Through no fault of its own” means, for the purposes of 16 VSA §559(f) one or more of the following:

- (a) Fewer than three bidders are reasonably available to bid on the goods or services, or fewer than three bids were received after reasonable advertisement and/or invitation were attempted.
- (b) The price of a particular product or service is fixed by corporate policy.
- (c) Any other reason the public bid procedure set forth in 16 VSA §559 cannot be complied with, as approved by the Commissioner, not because of a lack of effort by the board but because of circumstances particular to the nature of the product or service or the vendor or supplier.

9001.3 “Fair and public process” means, for the purposes of 16 VSA §559(f) that the board documents why advertising or inviting three bids would be or has been futile and documents why the process it proposes or attempted for seeking bidders offers or offered a reasonable opportunity for vendors or suppliers to be put on notice of the request for bids without intentional favoritism toward any potential or actual bidder.

9001.4 “Newspaper of general circulation” means a newspaper of record as approved by the Secretary of State having general circulation in the part of the state in which the school district is located.

9001.5 “Lowest responsible bid or bids conforming to specifications” as contained in 16 VSA §559(c), means both the amount of the base bid and any alternate bids responsive to priorities set forth in the bid specifications.

9002 Waiver of public bidding requirements

9002.1 The Commissioner may grant exceptions to the provisions of 16 VSA §559 where the board seeking the exception demonstrates that it is unable to comply with the bidding procedure through no fault of its own and it has proposed an alternative method of keeping costs down through a fair and public process.

9002.2 A board seeking such an exception shall do so in writing to the Commissioner and shall fully describe the reasons it cannot comply with the requirements of 16 VSA §559 and the process it proposes to substitute for such requirements. No purchase or contract may be entered into until such time as the Commissioner has approved the purchase or contract. The Commissioner shall respond in writing to the request for an exception within ten working days after receipt of the request. The response shall grant or deny the request or ask for further information.